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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,896	07/25/2003	Hassan Mahini	2002-014	4007

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CARY, NC 27511

EXAMINER

BALAOING, ARIEL A

ART UNIT PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/627,896	MAHINI, HASSAN	
	Examiner	Art Unit	
	Ariel Balaoing	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,13-19 and 22-34 is/are pending in the application.
- 4a) Of the above claim(s) 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,13-19 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Election/Restrictions

Regarding the applicant's traversal to the restriction (see Remarks filed 08/08/2006), the applicant argues *"According to the examiner, claims 1, 4-10, 13-19, and 22-28 are directed to sorting newly added events, while claims 29-34 are directed to assigning shortcut pointers. The Examiner's understanding to the claims is incorrect. All pending claims relate to dynamically updating a shortcut list. In independent claims 1, 10, 19, and 28, those shortcuts are labeled "events on a dynamically updated event list." In claims 29-34, they are labeled "shortcut pointers on a dynamically updated shortcut menu." The claims use different labels but all claims are directed to the same invention."* (see page 3 of the remarks); the examiner respectfully disagrees.

Independent claim 1 (and similarly 10, 19, and 28) recites the limitation "dynamically updating an event list responsive to *designated events* by adding events to said event list when a new event occurs" while Independent claim 29 recites "adding shortcut pointers to a dynamically updated shortcut menu responsive to missed events, the shortcut pointer being associated with one or more missed events of the same event type in an inbox". It is evident that both sets of claims describe "an event" as discussed above and therefore "an event" is not seen as "a shortcut" as argued. Furthermore, it can be seen in the first set of claims that sorting occurs according to time, priority, and

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usage statistics (claims 6-9), which is not seen in the second set of claims. The second set of claims also show various methods of assigning a shortcut pointer to a missed event, which is not found in the first set of claims.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claims 8, 17, and 26 are objected to because of the following informalities: the claims recite the limitation "a user" however "a user" is already specified in a parent claim. Therefore the limitation should read "the user" or "said user". Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 28 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 28 is drawn to a "program" *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other

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claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-7, 10, 13-16, 19, 22-25, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by KRAFT (6,381,474 B1).

Regarding claim 1, KRAFT discloses a method accessing functions in a mobile communication device (abstract) comprising: dynamically updating an event list [redo &

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undo list] responsive to designated events by adding events to said event list when a new event occurs and automatically deleting events from said event list when a user responds to an event (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47; events are added to the list according to various occurrences. Automatic deletion is provided when a user responds to an item with multiple occurrences, or when a user responds to a missed event such as a missed call); displaying said event list to a user on a display (Figure 3; abstract); associating a menu item in a hierarchical menu with each event in said event list (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47; selection of items in the event list can launch various applications which reside in different sub-menus); and invoking the associated menu item in said hierarchical menu responsive to selection of an event from said event list by said user (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein said event list is displayed responsive to entry of a shortcut command by said user (abstract; Figure 3; col. 3, line 57-col. 4, line 8; col. 4, line 50-57; col. 7, line 44-51).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses further comprising sorting said event list before said event list is displayed (col. 2, line 39-58; col. 7, line 52-64).

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Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein said event list is sorted in time order (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein said event list is sorted based on priorities assigned to said events on said event list (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 10, KRAFT discloses a mobile communication device (abstract) comprising: a display for displaying menu items in a hierarchical menu for selection by a user (abstract; Figure 3; col. 3, line 57-col. 4, line 8; col. 4, line 50-57; col. 7, line 44-51); a memory for storing an event list (col. 1, line 52-col. 2, line 50); a processor to: dynamically update said event list responsive to designated events by adding events to said event list when a new designated event occurs and automatically deleting events from said event list when a user responds to an event (abstract; col. 1, line 48-col. 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47; events are added to the list according to various occurrences. Automatic deletion is provided when a user responds to an item with multiple occurrences, or when a user responds to a missed event such as a missed call); display said event list on a display for viewing by a user (Figure 3; abstract); associate a menu item in a hierarchical menu with each event in said event list (abstract; col. 1, line 48-col. 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47); and invoke the associated menu item in said hierarchical menu responsive to

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selection by said user of an event from said event list (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user (abstract; Figure 3; col. 3, line 57-col. 4, line 8; col. 4, line 50-57; col. 7, line 44-51).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor sorts said event list before said event list is displayed (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor sorts said event list in time order (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor sorts said event list based on priorities assigned to said events on said event list (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 19, KRAFT discloses a circuit for controlling a user interface including a display (abstract), said circuit comprising a processor programmed to: generate and dynamically update said event list responsive to designated events by adding events to said event list when a new designated event occurs and automatically

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deleting events from said event list when a user responds to an event (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47; events are added to the list according to various occurrences. Automatic deletion is provided when a user responds to an item with multiple occurrences, or when a user responds to a missed event such as a missed call); display said event list on a display for viewing by a user (Figure 3; abstract); associate a menu item in a hierarchical menu with each event in said event list (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47).

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user (abstract; Figure 3; col. 3, line 57-col. 4, line 8; col. 4, line 50-57; col. 7, line 44-51).

Regarding claim 23, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor sorts said event list before said event list is displayed (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor sorts said event list in time order (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 25, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. KRAFT further discloses wherein the processor sorts said event list based on priorities assigned to said events on said event list (col. 2, line 39-58; col. 7, line 52-64).

Regarding claim 28, KRAFT discloses a computer program stored in a computer readable medium for controlling a user interface in a mobile communication device (abstract), said program including instructions to cause said mobile communication device to: add events to a dynamically updated event list responsive to designated events (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47); automatically delete events from said event list when the user responds to an event on said event list (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47); display said event list on a display for viewing by a user (Figure 3; abstract); associate a menu item in a hierarchical menu with each event in said event list (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (abstract; col. 1, line 48-col 2, line 50; col. 3, line 3-col. 4, line 16; col. 4, line 50-col. 5, line 8; col. 6, line 14-63; col. 7, line 25-47).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action:

7. Claims 8, 9, 17, 18, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over KRAFT (6,381,474 B1) in view of ROTH (US 6,266,060 B1).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. Although KRAFT discloses using priority sorting (col. 2, line 39-58; col. 7, line 52-64), KRAFT does not expressly disclose wherein said priorities are assigned to said events on said event list by a user. ROTH discloses wherein said priorities are assigned to said events on said event list by a user (column 13:line 21-column 14:line 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the craft to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu* (column 5:lines 30-38, column 5:lines 46-59, column 6:lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. The combination of KRAFT and ROTH further discloses wherein said event list is sorted based on usage statistics associated with said events on said event list (ROTH - column 13:line 21-column 14:line 33).

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Regarding claim 17 and 26, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. Although KRAFT discloses using priority sorting (col. 2, line 39-58; col. 7, line 52-64), KRAFT does not expressly disclose wherein said priorities are assigned to said events on said event list by a user. ROTH discloses wherein said priorities are assigned to said events on said event list by a user (column 13:line 21-column 14:line 33). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the craft to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu* (column 5:lines 30-38, column 5:lines 46-59, column 6:lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 18 and 27, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. The combination of KRAFT and ROTH further discloses wherein the processor sorts said event list based on usage statistics associated with said events on said event list (ROTH - column 13:line 21-column 14:line 33).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

GIETHOORN (US 6,119,859) – Telecommunications system with logging table

HEYEN et al (US 5,050,104) – Notifying a terminal user of an asynchronous event occurrence

KRAFT et al (US 2003/0157970 A1) – Communication terminal with event menu

SUGIYAMA et al (US 2001/0053708 A1) – Portable terminal with detailed hierarchical menu system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

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AB

A handwritten signature in black ink, appearing to be 'WT', with a long, sweeping horizontal line extending to the right.

**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**